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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,577

08/22/2005

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JCLA 16061

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06/25/2007

EXAMINER

KHANNA, HEMANT

ART UNIT

PAPER NUMBER

1654

MAIL DATE

DELIVERY MODE

06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/523,577	Applicant(s) GODL ET AL.	
	Examiner Hemant Khanna	Art Unit 1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 53-58, 72-75, 90, 91 and 94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-58, 72-75, 90, 91 and 94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to Applicant's remarks filed April 03, 2007. The Applicant has not submitted any amendments in response to the Examiner's rejection under 35 USC 103(a).

2. The Applicant is notified of the improper use of the status identifier in reference to claim 94. In the remarks filed April 03, 2007, Applicant submits claim 94 as a new claim (Remarks, page 45; Status of the Application). Further Applicant submits (Remarks, page 46) that "New claim 94 is added to more fully protect the invention".

The Examiner respectfully submits that while the above error on behalf of the Applicant constitutes grounds for a non-responsive amendment, the Examiner in order to facilitate prosecution requests that the Applicant re-submit a copy of the claims with the appropriate status identifier for claim 94.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office Action

4. Claims 53-58, 72-75, 90-91, and 94 are pending.

***Priority***

5. (Withdrawn) Objection to Applicant's claim for foreign priority is withdrawn in view of Applicant's submission of the certified copies of the foreign priority documents 02018840.7 and 0202880.9.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. (New) Claims 53-58, 72-75, 90-91, and 94 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: support material to immobilize the compounds of general formula V. While the preamble in claim 90 recites "A medium for separating", the claim only recites compounds of the general formula V. The specification recites [paragraph 082, PGPUBS] that "medium" comprises the compounds of the instant invention immobilized on to a support material. Without recitation of a structural relationship between the compounds and the support material, the claimed invention to a "medium for separating" is incomplete. Claims 53-58, 72-75, 91 and 94 depend from claim 90 and are hence incomplete for their omission of essential elements.

**Claim Rejections - 35 USC § 103**

8. (Withdrawn) Rejection of Claims 90, 53-58, 72-75 under 35 U.S.C. 103(a) as being unpatentable over Hennequin et al. (WO 2000047212) in view of Knockaert et al. (Chemistry and Biology (2000) Vol. 7: 411-422), Lochmuller et al (Separation Science and Technology (1987) 22: 2111-2126), and Smith et al (USPN 6,027,945) is withdrawn in view of Applicant's arguments found persuasive in view that Hennequin teaches a compound wherein Y is  $-\text{SO}_2\text{CH}_3$ , which is not encompassed in instant formula V, that teaches Y is selected from a group consisting of  $-\text{SO}(\text{CH}_3)$ .

**Conclusion**

9. Claims 53-58, 72-75, 91 and 94 are free of the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Khanna whose telephone number is (571) 272-9045. The examiner can normally be reached on Monday through Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571) 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 1654

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hemant Khanna Ph. D.  
June 20, 2007



DAVID LUKTON, PH.D.  
PRIMARY EXAMINER